3) *In re: Oliver,* 333 U. S. 257, at p. 273, the Honorable Mr. Justice Black, who delivered the Court's opinion, stated:

> "* * * a person's right to reasonable notice of a charge against him, and an opportunity to be heard in his defense—a right to his day in court—are basic in our system of jurisprudence; *and these rights include, as a minimum, a right to examine the witnesses against him.*" (Italics supplied by petitioner.)

4) The syllabus in *Schware* v. *Board of Bar Examiners,* 353 U. S. 232, states:

> "(h) The use of aliases, the arrests and former membership in the Communist party do not in combination warrant exclusion of petitioner from the practice of law.
>
> (i) In the light of petitioner's forceful showing of good moral character, the evidence upon which the State relies cannot be said to raise substantial doubts as to his present good moral character."

And, at pp. 239-240, the Court stated: "There is nothing in the record which suggests that Schware has engaged in any conduct *during the past 15 years* which reflects adversely on his character. * * * *Not a single witness testified* that he was not a man of good character. * * * To hold, as the Court did, that Communist affiliation *for 6 to 7 years up to 1940, 15 years prior to the assessment of it, in and of itself made petitioner a 'person of questionable character' is so dogmatic an inference as to be wholly unwarranted.*" (Italics supplied by petitioner.)

NOTE: If petitioner did in fact (which he did not) commit the allegations about the Weinberger-Galston matter mentioned in Respondent's "Brief in Opposition" (p. 2, par. 4), it must be remembered that this

alleged matter occurred *30 years ago*, and also, upon petitioner's aforesaid reinstatement applications, *Respondent did not produce a single witness to testify that petitioner was not a man of good character.* On the contrary, Respondent's very own Counsel in 1961, referring to petitioner's character since 1936, stated that it was *"a glowing tribute to the high type of character petitioner posessses."* (See p. 5, lines 33-34, Petition for Writ of Certiorari herein.)

Further still, the disbarment Order of January, 1936 void for lack of procedural due process, could not be validated by any other merits or matter (i.e., said Weinberger-Galston matter) which might justify denial of petitioner's license. The New York Court of Appeals and this honorable Court have so held, viz.:

> In *Matter of Donegan*, 282 N. Y. 285: "* * * *We are not concerned with the merits.* The question presented is solely whether the term 'felony' as employed in the sections of the Judiciary Law, etc."
>
> In *Willner* v. *Committee etc.*, 373 U. S. 96: "* * * We *are not concerned with the grounds which justify denial of a license to practice law,* but only with what procedural due process requires if a license is to be withheld."

In view of all the foregoing, it is earnestly hoped that this honorable Court will find it humanely possible and within its good grace and conscience, to grant the Petition prayed for herein and afford me the opportunity to orally present the case before the Court.

Dated: April 11, 1966.

Respectfully submitted,

Louis Fried,
Petitioner, pro se,
280 Prospect Avenue,
Hackensack, New Jersey.

Certificate.

I, LOUIS FRIED, petitioner pro se herein, pursuant to Rule 58(2) of this Court's Rules, hereby certify as follows:

As appears below, I present this petition for rehearing in good faith and not for any delay purpose.

During 30 years since the January, 1936 void Order for my disbarment, I have labored continuously and faithfully to clear my name, the last step in exoneration being the certiorari petition herein.

Based on confessions of perjury upon which I was convicted in 1935 1) I received a full and unconditional presidential pardon; 2) after a hearing before the U. S. Civil Service Commission upon said wrongful conviction, I was reinstated in the U. S. Civil Service as a legal claims adjudicator in 1941, serving as such until 1959, when I retired with honor; 3) after a hearing in 1961 upon my own bar reinstatement application, Counsel for the very Respondent herein, then stated to the Court (p. 5, commencing line 19, Petition for Writ of Certiorari herein):

> "* * * It would seem from the retractions and from the presidential pardon, coupled with the thorough investigation incidental to any pardon, that this petitioner was convicted on perjured testimony and never did commit the crime for which he was ultimately disbarred. * * * the excellent character testimony * * * by individuals of the highest quality serve as a glowing tribute to the high type of character the petitioner possesses. * * * Some of the character witnesses * * * bespoke Fried's goodness with emotion which cannot be gleaned from the printed word."

While the lower courts have refused to recognize the invalidity of the disbarment Order of January, 1936, on the jurisdictional and Constitutional grounds set forth in my certiorari petition herein, or reinstate me, my faith has

never wavered that the United States Supreme Court would sustain me. I therefore still have confidence that, upon a review of the legal and factual aspects of my case, especially in view of the recent cases of *Willner* v. *Committee on Character and Fitness,* 373 U. S. 96 and *Schware* v. *Board of Bar Examiners,* 353 U. S. 232, I will be sustained.

My wife and I were married 41 years ago. We have lived in harmony all our lives and raised two fine children, both college graduates and both now married. To make possible the presentation of my case over the years, we have stinted for many years to pay for counsel fees, printing, etc. in the case. Our main source of income since I retired in 1959, is my federal government pension of less than $4,000 per annum. For this reason, in recent years it has been necessary to present my case "pro se".

I am now past the traditional age of 3 score and 10. I seek no sympathetic consideration but only a just decision on the legal and equitable merits of the case.

Dated: April 11, 1966.

Louis Fried

(LOUIS FRIED)